

**Notice of Allowability**

Application No.

10/808,066

Examiner

Andrea M. Valenti

Applicant(s)

STOLLER, JAMES E.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 24 March 2004.
2. ☒ The allowed claim(s) is/are 1 and 2.
3. ☒ The drawings filed on 24 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Terminal Disclaimer***

The terminal disclaimer filed on 7 December 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on 10/679,629 and Patent Number 6,739,088 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew Perrone on 07 December 2004.

The application has been amended as follows:

Claim 3 was cancelled

Claim 4 was cancelled

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 and 2, drawn to winter turf cover, classified in class 47, subclass 31.
- II. Claims 3 and 4, drawn to method of preventing crown hydration of a golf green, classified in class 47, subclass Dig. 11.

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Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product as claimed can be used as a landfill liner or for preventing leaves from blowing away in the wind. The product does not have to be used for a golf course application.

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

During a telephone conversation with Matthew Perrone on 06 December 2004 a provisional election was made with traverse to prosecute the invention of group I, claims 1 and 2. Affirmation of this election must be made by applicant in replying to this Office action. Claims 3 and 4 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Allowable Subject Matter***

Claims 1 and 2 are allowed.

The following is an examiner's statement of reasons for allowance:

Cited references Switzerland Patent CH 612321; U.S. Patent No. 983,857; U.S. Patent No. 2,401,997; U.S. Patent No. 3,863,387; U.S. Patent No. 3,864,198; U.S. Patent No. 4,088,805; U.S. Patent No. 4,128,689; U.S. Patent No. 4,267,665; U.S. Patent No. 4,632,329; U.S. Patent No. 4,685,155; U.S. Patent No. 4,798,023; U.S.

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Patent No. 4,980,991; U.S. Patent No. 5,070,643; U.S. Patent No. 5,262,233; U.S. Patent No. 5,275,860; U.S. Patent No. 5,401,118; U.S. Patent No. 5,532,043; U.S. Patent No. 5,833,401; U.S. Patent No. 5,981,020; U.S. Patent No. 6,074,966; U.S. Patent No. 6,093,481; U.S. Patent No. 6,115,960; U.S. Patent No. 6,127,027; U.S. Patent No. 6,127,293; U.S. Patent No. 6,168,840; U.S. Patent No. 6,245,697 teach secured/staked, layered and laminated polyethylene sheets for turf cover with force striations.

The cited prior art of record all fails to show and/or make obvious either alone or in combination the force striations being at an acute angle to the first edge; the force striations being at an acute angle to the second edge; the acute angle of the first edge being at relative angle to the acute angle the second edge; the acute angle to the first edge and the acute angle to the second edge being 20 to about 70 degrees; and the relative angle between the first layer and second layer being about sixty degrees to about 120 degrees; with a hold down mechanism cooperating with the winter turf cover, and having washer placed with the surface and the washer, the winter turf cover between a ground washer having two apertures adapted to receive a nail in each of the two apertures, with the nail being received in each of the two apertures so that nails cross underground in order complete the hold down mechanism. The lightweight, compactly foldable, protective winter turf cover Claim further comprising a single aperture washer being between a head of the nail and washer having two apertures.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Switzerland Patent CH 612321; U.S. Patent No. 983,857; U.S. Patent No. 2,401,997; U.S. Patent No. 3,863,387; U.S. Patent No. 3,864,198; U.S. Patent No. 4,088,805; U.S. Patent No. 4,128,689; U.S. Patent No. 4,267,665; U.S. Patent No. 4,632,329; U.S. Patent No. 4,685,155; U.S. Patent No. 4,798,023; U.S. Patent No. 4,980,991; U.S. Patent No. 5,070,643; U.S. Patent No. 5,262,233; U.S. Patent No. 5,275,860; U.S. Patent No. 5,401,118; U.S. Patent No. 5,532,043; U.S. Patent No. 5,833,401; U.S. Patent No. 5,981,020; U.S. Patent No. 6,074,966; U.S. Patent No. 6,093,481; U.S. Patent No. 6,115,960; U.S. Patent No. 6,127,027; U.S. Patent No. 6,127,293; U.S. Patent No. 6,168,840; U.S. Patent No. 6,245,697.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrea M. Valenti  
Patent Examiner  
Art Unit 3643

07 December 2004



Peter M. Poon  
Supervisory Patent Examiner  
Technology Center 3600